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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,213	09/26/2001	Wen-Hsiao Peng	042390.P11905	2889

8791 7590 11/30/2004

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EXAMINER

PHILIPPE, GIMS S

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/965,213

**Applicant(s)**

PENG ET AL.

**Examiner**

Gims S Philippe

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11252004</u>  | 6) <input type="checkbox"/> Other: ____                                     |

### DETAILED ACTION

This is a first action in response to application no. 09/965,213 in which claims 1-44 are presented for examination.

#### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-27, and 34-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Van der Schaar et al. (US Patent no. 6788740).

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Regarding claims 1, 12, and 23, Van der Schaar discloses a system and method comprising the steps of quantizing coefficients into quantized values (See fig. 2, DCT unit 214 and quantization unit 216), each quantized value having an integer part representing a base layer and a fractional part representing enhancement layers (See col. 6, lines 49-61), and encoding the fractional parts into an enhancement layer bitstream (See fig. 2, items 252 and 256, and col. 8, lines 16-30).

Regarding claims 6-11, and 17-22, Van der Schaar discloses a method comprising decoding an enhancement layer bitstream into quantized fractional values representing enhancement layers (See col. 9, lines 38-55), applying an inverse quantization to the quantized fractional values to create coefficients representing the enhancement layers (See inverse quantization unit 224 and residual calculator, and col. 9, lines 56-65), combining the coefficients representing the enhancement layers with coefficients representing a base layer (See Decoded Video of from residual unit 356 of Fig. 3, and col. 9, lines 5-37), and applying an inverse transformation to the combined coefficients (See inverse transformation unit 354 of fig. 3, and col. 7, lines 63-66).

As per claims 34 and 39, all of the limitations of these claims have been noted in the above rejection of claims 1, 12, and 23.

As per claims 2, 13, and 23, Van der Schaar further encodes the integer part of the base layer (See col. 7, lines 39-54).

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As per claims 3, 14, 25, Van der Schaar further transforms inputs into coefficients (See col. 7, lines 23-33).

As per claims 4, 15, 26, and 35-37, Van der Schaar further suggests removing temporal redundancies (See col. 3, lines 32-45).

As per claims 5, 16, 27, and 38, Van der Schaar further suggests frequency ordered enhancement layers (See col. 7, lines 4-22).

As per claim 40, Van der Schaar further adds temporal redundancies to the base layer (See col. 7, lines 43-66).

3. Claims 28-33, and 41-44 are rejected under 35 U.S.C. 102(e) as being anticipated by De Bonet et al (US Patent no. 6,510,177).

As per claims 28, 30, 32, 41 and 43, De Bonet et al discloses in fig. 1 a system comprising a processor (See fig. 1, processor 102); a memory coupled to the processor through a bus (See system memory 104 connected to bus 106); and a decoding process executed from the memory by the processor to cause the processor to decode an enhancement layer bitstream into quantized fractional values representing enhancement layers (See fig. Video adaptor 148, and col. 8, lines 8-12), to apply an inverse quantization to the quantized fractional values to create coefficients

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representing the enhancement layers (See col. 16, lines 50-56), to apply an inverse transformation to the coefficients to create the enhancement layers, and to combine the enhancement layers with a base layer (See col. 16, lines 50-55).

As per claims 29, 31, 33, 42 and 44, De Bonet further discloses adding temporal redundancies to the base layer (See De Bonet col. 16, lines 5-37).

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Li (US Patent no. 6275531) teaches scalable video coding method and apparatus.

Demos (US Patent no. 6728317) teaches moving image compression quality enhancement using displacement filters with negative lobes.

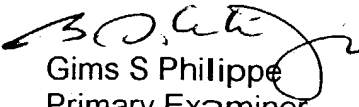
Demos (US Patent no. 5988863) teaches temporal and resolution layering in advanced television.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S Philippe whose telephone number is (703) 305-1107. The examiner can normally be reached on M-F (9:30-7:00) Second Monday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S Kelley can be reached on (703) 305-4780. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Gims S Philippe  
Primary Examiner  
Art Unit 2613

GSP

November 25, 2004